

To: **Public Safety and Security Committee**

Date: 03/10/2013

From: Enzo Maini

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This letter is in regards to Raised Bill No. 6595 -- AN ACT PROHIBITING THE DISCHARGE OF FIREARMS NEAR PRIVATE RESIDENCES.

I reject the proposed changes to Section 1. Section 53-203 of the general statutes as proposed by this bill. The changes are trying to solve a problem that does not exist. Viewing OLR Report 2013-R-0174 (<http://www.cga.ct.gov/2013/rpt/2013-R-0174.htm>) there were only 173 violations of Section 53-203 in 2012. Of those violations, the state saw fit to convict only 39 and 133 were Nolle. Either the state is doing nothing to enforce this law, or the prosecutors have found these 133 violations without merit. This law seeks to condemn the entire state for a few bad actors of which the state does not even see fit to go forward to prosecute. Enforce the existing law before making changes that make no sense. If the state is not enforcing this section of the law today, making these changes will not make it enforced any more than it already is today. For ANY law that the state already has, there will always be violators of the law.

Despite all the efforts of MADD and the changes to state law for under age drivers, the state still has drunk driver related deaths and under age driver related deaths. No law can stop all bad actors but you wish to punish everyone for the unsafe few. Better education of existing firearms laws or safety rules would in this case probably be more effective. Every spring the state uses radio and television public service announcements to remind drivers to watch out for motorcycle riders, using the gun owner communities around the state to promote safety would be more effective. Passing more laws will do nothing; helping the firearms communities to promote safety with community events will be far more effective for public safety. We do this for bicycle helmets, seat belts and designated drivers yet legislatures are unwilling to reach out to the firearm communities and clubs but rather simply regulate and control with a stroke of a pen and seat far away from the people they serve.

The Florida Department of Agriculture and Consumer Services Division of Licensing which is responsible for firearm permits in the State of Florida gives each new or renewal firearm applicant a 34 page booklet which gives step by step the application process but also lists each law and a description of the law as well as the rights and responsibility of each gun owner. The State of Florida then attempts to educate each applicant on the laws with the idea that with education, you have safer gun owners. I suggest that the State of Connecticut try education before they simply write new laws. In the case of Section 53-203 it is hardly enforced as is and the violations are few.

No person or entity or government has an unlimited amount of resources. While any person or entity or government is capable of doing anything, none can do everything. We must focus limited resources on TRULY large problems so the resources expended return the most gain. Given that no law is perfect and

that there are few bad actors violating Section 53-203, expending resources to make these changes will have no effect and cost time and money that could be better spent on more important matters.

I reject all these proposed changes because of the following issues.

In regards to the change : **"or (2) intentionally discharges any firearm within five hundred feet of any building that is used for residential purposes and not owned by such person, without the owner's consent, shall be guilty of a class C misdemeanor."**

The first issue is that there is no consideration for when the weapons discharge is lawful. No exemption is made for defensive use of a weapon. As it stands now, some enterprising assistant attorney or civil attorney even in the case of a defensive use of a weapon can charge the gun owner who has done nothing wrong but defend themselves.

Second, towns all over the state already have town ordinances that handle this situation and making this change simply makes a confusing mess where every town already has a different law and the state has its own law. How many duplicate laws are necessary?

Finally, the law does not distinguish between powder based firearms and non-powder firearms and it must do so otherwise Boy Scouts, 4H clubs and other youth shooting clubs will have no place to get their firearm merit badges. The State of CT considers BB guns and Airsoft guns weapons and these must be exempted from this law. Even when they practice at VA Clubs or other approved areas; they are often within 500ft of a residential structure. For 10 years I have tutored Boy Scouts in my own backyard. The Town of Trumbull Ordinance allows me to do so. Below is the town ordinance:

Trumbull Municipal Code

Sec. 14-7. - Nonpowder-propelled guns.

(a)

For the purposes of this section the following definitions shall apply:

Dealer means any person selling, bartering or renting at retail any nonpowder-propelled gun.

Minor means a person under the age of twenty-one (21) years.

Nonpowder-propelled gun means any rifle or pistol which is designed to expel a projectile by the use of compressed air or gas or of a spring or elastic and includes sling shots and similar implements by whatever name known, but does not include a firearm or a bow and arrow.

(d)

No person shall discharge any nonpowder-propelled gun upon private property within the Town, except under such circumstances that when discharged or operated it will not

endanger persons or property or cause the projectile to traverse any property other than that property upon which the same was discharged.

Note that the ordinance allows "nonpowder-propelled gun" to be fired on my private property as long as "when discharged or operated it will not endanger persons or property or cause the projectile to traverse any property other than that property upon which the same was discharged." I use a safe backstop to prevent damage or danger to any person or domestic animal and have in 27yrs as a gun owner never harmed anyone or any animal wild or domestic. I would like to educate you to the fact that non-powder based weapons are what are used in 10 meter competition in the Olympics and CT has a history of Olympic grade firearm athletes future of which you would impact.

If this had been a problem, the Trumbull Municipal Code would have been changed years ago. I have lived in the town for 27yrs with Republican, Democratic and Independent First Selectman and yet the ordinance remains. Let me emphasize that you are misdirecting resources and energy for a problem that does not exist in any significant meaningful way.

In conclusion, I reject the proposed changes. The changes have no merit. The state does not fully enforce Section 53-203 today because either the violations are minor or considered unimportant by prosecutors. Further, the change proposed endangers gun owners when defending themselves or others in defensive gun use situations. Towns already have similar laws in their municipal codes and this will further confuse the existing laws since the state has no preemption of firearms laws. Finally, without exemptions, and given the definition of non-powder BB guns and airsoft guns are considered weapons under state law, non-powder based guns which are used by Boy Scouts and 4H clubs and other youth programs would now be in violation in many parts of the state which are more densely populated. This is an unnecessary change to the law that benefits no one and of which the state barely enforces.